

CODIFIED ORDINANCES OF BROOKLYN

PART THIRTEEN - BUILDING CODE

TITLE ONE - Technical Codes

- Chap. 1301. Ohio Building Code.
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- Chap. 1369. Smoke; Carbon Monoxide Detectors.

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CHAPTER 1301 Ohio Building Code

1301.01 Adoption.

CROSS REFERENCES

- See sectional histories for similar State law
- Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
- Power to enact further and additional regulations - see Ohio R.C. 3781.01
- Authorization by Board of Building Standards - see Ohio R.C. 3781.12
- Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
- Final jurisdiction - see Ohio R.C. 3781.04
- Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
- Submission of plans - see Ohio R.C. 3791.04
- Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
- Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104; OAC Ch. 4101:2-9
- Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
- Fire suppression systems - see Ohio R.C. 3781.108
- Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
- Energy conservation - see Ohio R.C. 3781.181, 3781.182, 3781.21; OAC Art. 4101:2-13
- Abandoned service stations - see Ohio R.C. 3791.11 et seq.
- Safety standards for refuse containers - see Ohio R.C. 3791.21; OAC Ch. 4101:2-88

1301.01 ADOPTION.

Ohio Administrative Code 4101:1 - the Ohio Building Code, Ohio Administrative Code 4101:2 - the Ohio Mechanical Code, and Ohio Administrative Code 4101:3 - the Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Brooklyn, Ohio. (Ord. 2002-13. Passed 2-25-02.)

CHAPTER 1305 International Residential Code

1305.01 Purpose and adoption.

1305.02 Definitions and amendments.

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

1305.01 PURPOSE AND ADOPTION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted for the purpose of establishing Rules and Regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, equipment, use, occupancy, or maintenance of one, two and three-family dwelling houses which are not constructed as industrialized units, and their accessory structures, that certain Code known as the International Residential Code, 2000 Edition, third printing, published as a nationally recognized model code by the International Code Council, including Appendix Chapters A, B, and C thereto, except such portions as are hereinafter deleted, modified or amended. A complete copy of such Code shall be kept on file at the office of the Clerk of Council, the office of the Building Commissioner and in the County Law Library. The Clerk of Council shall keep copies available for distribution to the public at cost.
(Ord. 2002-11. Passed 2-25-02.)

1305.02 DEFINITIONS AND AMENDMENTS.

(a) Definitions. Wherever the term ABuilding Official@ is used in this Code it shall mean the City of Brooklyn Building Commissioner and/or Building Inspector of Brooklyn.

(b) Amendments. The International Residential Code adopted herein is hereby amended and changed in the following respects:

- (1) Sec. R101.1 Insert: City of Brooklyn
- (2) Table R301.2(1) Insert:

Ground Snow Load:	20 Pounds/Foot
Wind Speed:	90 MPH
Seismic Design Category:	D1

Subject to Damage From:

Weathering - Severe

Frost Line Depth - 36 inches

Termite - Moderate to Heavy

Decay - Slight to Moderate

Winter Design Temp - 5 Degree Fahrenheit

Flood Hazards - Map Panel #390100 0001 C, Revised December 4, 1981

- (3) Sec R113.4 Violations and Penalties (Amended). No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.
Whoever violates any provision of this Chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. Each day during which non-compliance or a violation continues shall constitute a separate offense. The City may institute injunction proceedings in Common Pleas Court to abate the nuisance of any violation or failure to cease work after receipt of a Stop Work Order.
- (4) Sec. R112.1 Right of Appeals (Amended). All persons shall have the right to appeal the Building Official=s decision concerning matters pertaining to Building Construction and local zoning decisions to the City of Brooklyn Board of Zoning Appeals.
- (5) Sec. R202 Manufactured Homes. It is the intention of Council that the Ohio Building Code provisions as published in Chapter 4101:1-1, Section 117, of the Ohio Administrative Code shall apply to and govern one, two and three-family dwellings constructed of industrialized units, notwithstanding any provisions to the contrary as contained in the International Residential Code adopted herein.
- (6) Chapter 11 Energy Efficiency. It is the intention of Council that the Ohio Building Code provisions as published in Chapter 4101:1-1, Chapter 13, and Appendix E of the Ohio Administrative Code shall apply to and govern energy conservation measures for one, two and three-family dwellings, notwithstanding any provisions to the contrary as contained in the International Residential Code adopted herein.
(Ord. 2002-11. Passed 2-25-02.)

CHAPTER 1309
International Property Maintenance Code

1309.01 Adoption.

1309.02 Amendments.

1309.01 ADOPTION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted for the purpose of establishing Rules and Regulations, that certain Code known as AThe 2000 International Property Maintenance Code, Second Printing, as published by the International Code Council, Inc.@ and is hereby adopted as the Property Maintenance Code of the City of Brooklyn, in the State of Ohio; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as is fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1309.02. A complete copy of such Code shall be kept on file at the offices of the Clerk of Council and the Building Commissioner. (Ord. 2002-12. Passed 2-25-02.)

1309.02 AMENDMENTS.

The International Property Maintenance Code is amended and revised in the following respects:

Paragraph 101.1	Insert:	<u>City of Brooklyn</u>
Paragraph 303.14	Insert:	<u>April to October</u>
Paragraph 602.3	Insert:	<u>October to April</u>
Paragraph 602.4	Insert:	<u>October to April</u>

(Ord. 2002-12. Passed 2-25-02.)

EDITOR=S NOTE: The next printed page is page 13.

CHAPTER 1313
National Electrical Code

1313.01 Adoption.

CROSS REFERENCES

Adoption of technical codes by reference - see Ohio R.C. 731.231

1313.01 ADOPTION.

Council hereby adopts the 2002 National Electrical Code incorporated herein by reference, so that all electrical materials and installations in dwelling units of one, two, three family dwellings and mobile homes, multi-family dwellings, commercial and industrial occupancy shall be in accordance with the requirements of the National Electrical Code; NFPA No. 70-2002 sponsored by the National Fire Protection Association.

(Ord. 2001-45. Passed 11-26-01.)

TITLE THREE - Local Regulations

- Chap. 1341. Condominiums.
- Chap. 1345. Permit Fees.
- Chap. 1349. Flood Damage Prevention.
- Chap. 1353. Grading.
- Chap. 1357. Nuisances.
- Chap. 1361. Occupancy Permit.
- Chap. 1365. Satellite Dishes.
- Chap. 1369. Smoke; Carbon Monoxide Detectors.

CHAPTER 1341 Condominiums

1341.01	Definitions.	1341.11	Unit for tax purposes.
1341.02	Title and application.	1341.12	Deed restrictions.
1341.03	Purpose.	1341.13	Disclosure by the developer.
1341.04	Cancellation of contract.	1341.14	Compliance by the developer.
1341.05	Application for inspection.	1341.15	Prohibitions against unlawful representations.
1341.06	Duties of escrow agent.	1341.16	Equal opportunity.
1341.07	Warranty of compliance.	1341.17	Legal remedies.
1341.08	Services provided by unit owner and developer.	1341.18	Severability.
1341.09	Units as real property.	1341.99	Penalty.
1341.10	Interests in common areas.		

1341.01 DEFINITIONS.

As used in this chapter:

- (a) "Common Areas and facilities" includes the following parts of the condominium property:
 - (1) The land described in the declaration;
 - (2) All other areas, facilities, places, and structures that are not part of a unit, including, but not limited to:
 - A. The foundations, columns, girders, beams, supports, supporting walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of buildings;

- B. The basement, yards, gardens, parking areas, garages, and storage spaces;
 - C. The premises for the lodging of janitors or persons in charge of the property;
 - D. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;
 - E. The elevators, tanks, pumps, motors, fans, compressors, ducts, and, in general, all apparatus and installations existing for common use;
 - F. Such community and commercial facilities as may be provided for in the declaration;
 - G. All other parts of the condominium property necessary or convenient to its existence, maintenance, and safety, or normally in common use, or that have been designated as common areas and facilities in the declaration or drawings.
- (b) "Condominium development" means condominium property in which two or more condominium units, together with undivided interests in the common areas and facilities of the property, are offered for sale pursuant to a common promotional plan.
 - (c) "Condominium instruments" means the declaration and accompanying drawings and plans, the bylaws of the unit owner's association, any contracts pertaining to the management of condominium property, and all other documents, contracts, or instruments establishing ownership of or exerting control over a condominium property or unit.
 - (d) "Condominium property" means land, all buildings, improvements, structures on the land, all easements, rights, and appurtenances belonging to the land and all articles of personal property submitted to the provisions of this chapter.
 - (e) "Condominium Unit" means real property, portions of which are designated as a part of the condominium property, consisting of one or more rooms on one or more floors of a building which is designated as a unit in the declaration submitted pursuant to Ohio Revised Code Chapter 5311.
 - (f) "Condominium Unit Owner" means a person who possesses a fee simple estate or a ninety-nine year leasehold estate, renewable forever, in a condominium unit, together with an appurtenant undivided interest in the common areas and facilities.
 - (g) "Declaration" or "Condominium Declaration" means the written instrument by which property is submitted pursuant to the provisions of Ohio Revised Code Chapter 4311, and any and all amendments to the declaration.
 - (h) "Developer" means any person who, directly or indirectly, sells or offers for sale condominium ownership interest in a condominium development, including the declarant of a condominium development and any successor to the declarant who stands in the same relation to the condominium development as the declarant, and including any agent thereof.
 - (i) "Elderly Tenant" means any tenant who is sixty-five years of age or older.
 - (j) "Disabled Tenant" means any tenant who has a physical or mental impairment which limits one or more of the major life activities of such individual.

- (k) A Public offering Statement means a document provided by the developer which discloses the characteristics of the condominium development.
- (l) "Tenant" means any person who occupies or has a leasehold interest in an apartment or condominium development under a lawful rental agreement, whether oral or written, express or implied.
- (m) "Unit owners association" means an organization of all condominiums and owners in a condominium property that administers the condominium property.
(Ord. 1999-26. Passed 3-22-99.)

1341.02 TITLE AND APPLICATION.

- (a) This chapter shall be known and may be cited as the Brooklyn Condominium Ordinance.
- (b) This chapter shall be liberally construed and applied to promote its purposes and policies.
- (c) This chapter shall apply to all condominium dwellings located within the City which consist of three dwelling units or more and for which a developer has not commenced a promotional plan for the sale of condominium units therein as of the effective date of this chapter.
- (d) Neither the obligations nor the rights set forth in this chapter may be waived in a contract of lease, a contract of sale or otherwise, and any attempted waiver is void.
(Ord. 1999-26. Passed 3-22-99.)

1341.03 PURPOSE.

It is the purpose of this chapter and the policy of this Municipality to establish standards and rules for all future condominium development within the Municipality in order to protect the tenants of the condominium units and also to encourage the maintenance and improvement of the housing built in the Municipality.
(Ord. 1999-26. Passed 3-22-99.)

1341.04 CANCELLATION OF CONTRACT.

- (a) Any purchaser or option holder may, at his or her option, cancel an executed contract between himself or herself and the developer for the purchase of a condominium unit by delivering to the developer or his or her authorized agent a written notice of cancellation at any time within three (3) days following the date the contract is signed by the purchaser or option holder. Such delivery may be accomplished by mail and the date of the postmark or mailing receipt shall be interpreted as the date on which delivery to the developer or his or her authorized agent is made.
- (b) Upon receipt of a timely cancellation, the developer shall immediately refund any deposit, earnest money or other funds and the parties shall have no further rights or liabilities under the contract.
(Ord. 1999-26. Passed 3-22-99.)

1341.05 APPLICATION FOR INSPECTION.

- (a) The developer or his or her authorized agent shall apply, in writing, to the Director of Building, requesting an inspection of the condominium units or common areas of the condominium property, or both.

(b) The Director of Building shall issue a certificate of inspection or certificate of compliance for every condominium unit inspected within twenty-one (21) days if twenty-five (25) condominium units or less are to be inspected, and within thirty (30) days if more than twenty-five (25) units are to be inspected, and shall issue a certificate of inspection or a certificate of compliance for the common areas within twenty-one (21) days after application has been made pursuant to this section.

(c) Except in the case of immediate danger to the public peace, health, safety or welfare, the certificate of inspection shall contain an order of the Director or Building for the correction of any code violation noted on the certificate, which violation shall be corrected by the owner within forty-five (45) days of the issuance of the certificate. For good cause shown, the Director may extend the time for such completion.

(Ord. 1999-26. Passed 3-22-99.)

1341.06 DUTIES OF ESCROW AGENT.

(a) When an escrow agent has been established in connection with the sale of a condominium unit, the escrow agent shall not transfer title or distribute funds until there has been deposited in escrow an acknowledgment from the buyer of a copy of the receipt of the certificate of inspection or a copy of the certificate of compliance.

(b) If the Certificate of Inspection and/or Compliance from the Director or Building has required that certain violations be corrected prior to occupancy, then the Escrow Agent shall not transfer title or distribute funds until there has been deposited in escrow an acknowledgment from the buyer of compliance with the Certificate issued by the Director.

(Ord. 1999-26. Passed 3-22-99.)

1341.07 WARRANTY OF COMPLIANCE.

In addition to any warranties provided in the Ohio Revised Code, in every sale of real property to which this chapter applies, the seller of the condominium unit shall warrant, or be presumed to have warranted, that the condominium unit and common areas of the condominium property are in compliance with the Building Codes and other applicable ordinances of the City at the time of the contract for sale.

(Ord. 1999-26. Passed 3-22-99.)

1341.08 SERVICES PROVIDED BY UNIT OWNER AND DEVELOPER.

Each Unit Owner and the Developer shall be solely responsible for providing the following services for the unit and common areas, respectively,

- (a) Garbage and trash collection;
- (b) Snow removal;
- (c) Maintenance of streets;
- (d) Lawn maintenance;
- (e) All other matters noted in the final development plan as approved by the Planning Commission.

(Ord. 1999-26. Passed 3-22-99.)

1341.09 UNITS AS REAL PROPERTY.

(a) Each unit of a condominium property, together with the undivided interest in the common areas and facilities appurtenant to it, is real property for all purposes and is real estate within the meaning of all provisions of the Ohio Revised Code.

(b) Each unit owner is entitled to the exclusive ownership and possession of his unit and to ownership of an undivided interest in the common areas and facilities in the percentage that is expressed in the declaration.

(c) Each unit shall have a direct exit to a public street or highway or to a common area and facility leading to a public street or highway, except that units in an expandable condominium property may have a direct exit to a permanent easement leading to a public street or highway across additional property identified in the declaration.

(d) The boundaries of a unit are the interior surfaces of its perimeter walls, floors, and ceilings. Windows and doors in the perimeter walls, floors, or ceilings of a unit are part of the unit. Supporting walls, fixtures, and other parts of the building that are within the boundaries of a unit but which are necessary for the existence, support, maintenance, safety, or comfort of any other part of the condominium property are not part of the unit.

(e) Ownership of a unit includes the right to exclusive possession, use, and enjoyment of the interior surfaces of all its perimeter walls, floors, and ceilings and of all supporting walls, fixtures, and other parts of the building within its boundaries, including the right to paint, tile, wax, paper, or otherwise finish, refinish, or decorate the unit.

(f) Each unit shall be subject to the right of access for the purpose of maintenance, repair, or service of any common area and facility located within its boundaries or of any portion of the unit itself by persons authorized by the board of managers of the unit owners association.
(Ord. 1999-26. Passed 3-22-99.)

1341.10 INTERESTS IN COMMON AREAS.

(a) The common areas and facilities of a condominium property are owned by the unit owners as tenants in common, and the ownership shall remain undivided.

(b) The declaration shall set forth the interest in the common areas and facilities appurtenant to each unit.

(c) Each unit owner may use the common areas and facilities in accordance with the purposes for which they are intended. No unit owner may hinder or encroach upon the lawful rights of the other unit owners.

(d) All costs of administration, maintenance, repair, and replacement of the common areas and facilities shall be common expenses.
(Ord. 1999-26. Passed 3-22-99.)

1341.11 UNIT FOR TAX PURPOSES.

Each unit of a condominium property and the percentage of interest in the common areas and facilities appurtenant to it shall be deemed to be a separate parcel for all purposes of taxation and assessment of real property, and no other unit or other part of the condominium property shall be charged with the payment of such taxes and assessments.
(Ord. 1999-26. Passed 3-22-99.)

1341.12 DEED RESTRICTIONS.

All unit owners, their tenants, and all persons lawfully in possession and control of any part of the condominium property shall comply with all covenants, conditions, and restrictions set forth in a deed to which they are subject or in the declaration, bylaws of the unit owners association, or administrative rules and regulations adopted pursuant to the provisions thereof, as any of the same may be lawfully amended from time to time, and violations thereof shall be grounds for actions for damages or injunctive relief, or both, brought by the unit owners association, by a unit owner or unit owners, or by both.
(Ord. 1999-26. Passed 3-22-99.)

1341.13 DISCLOSURE BY THE DEVELOPER.

No developer or agent, directly or indirectly, shall sell or offer to sell a condominium ownership interest in a condominium development unless he discloses fully and accurately to each prospective purchaser of the interest all material circumstances or features affecting the development, by preparing and providing to each prospective purchaser a readable and understandable written statement of such circumstances or features. The statement shall not intentionally omit any material fact or contain any untrue statement of a material fact and shall contain all of the following:

- (a) The name and address of the condominium development, and the name, address, and telephone number of the developer and of the development manager or his agent;
- (b) A general narrative description of the development stating the total number of units, a description of the types of units and price of each type of unit, the total number of units that may be included in the development by reason of future expansion or merger of the development, and a precise statement of the nature of the condominium ownership interest that is being offered;
- (c) A general disclosure of the status of construction, zoning, site plan, or other approvals, and compliance or notice of failure to comply with any other federal, state, or local statutes or regulations affecting the development, and the actual or scheduled dates of completion of buildings, recreation facilities, and other common areas and facilities;
- (d) The significant terms of any financing offered by or through the developer to purchasers of the condominium ownership interests in the development, including the name of any bank or other institution involved in the financing, the minimum down payment, a statement that the prospective purchaser may obtain financing from another bank or institution, and the annual interest rate;
- (e) A description of warranties for structural elements and mechanical and other systems, stated separately for units and for common areas and facilities;

- (f) A two-year projection, revised and updated at least every six months, of annual expenditures necessary to operate and maintain the common areas and facilities of the condominium development, prepared by the developer and specifically stating the assumptions and basis of the projection, and a complete statement of estimated monthly cost per unit for such two-year period including:
 - (1) The formula for determining each unit's share of common expenses;
 - (2) The amount of taxes and insurance and a description of the basis or formula used in arriving at these amounts;
 - (3) The dollar amount of operating and maintenance expenses;
 - (4) The monthly cost of utilities;
 - (5) Any other costs, fees, and assessments reasonably ascertainable by the developer.
- (g) A statement of significant provisions for management of the condominium development including:
 - (1) Conditions for the formation of a unit owners association;
 - (2) The apportionment of voting rights among the members of the association;
 - (3) The contractual rights and responsibilities of the unit owners association;
 - (4) A statement advising the purchaser that the condominium instruments are binding legal documents and describing how such instruments may be altered or amended by the unit owners association.
- (h) The existence or requirement for the establishment of a reserve fund to finance the cost of repair or replacement of the components of the common areas and facilities;
- (i) The significant terms of any encumbrances, easements, liens, and matters of title affecting the condominium development;
- (j) A statement of the requirement for escrow of deposits;
- (k) A statement of any restraints on the free alienability of all or any part of the condominium development;
- (l) A statement describing any present litigation concerning the condominium development. (Ord. 1999-26. Passed 3-22-99.)

1341.14 COMPLIANCE BY THE DEVELOPER.

No developer shall sell or offer to sell a condominium ownership interest until and unless:

- (a) He files a copy of the Public Offering Statement with the Director of Building;
 - (b) He files a copy of the Declaration with the Director of Building;
 - (c) The Director of Building has issued a certificate of occupancy for the common areas and the condominium units.
- (Ord. 1999-26. Passed 3-22-99.)

1341.15 PROHIBITIONS AGAINST UNLAWFUL REPRESENTATIONS.

No developer or agent selling or offering to sell any condominium unit in any condominium development shall:

- (a) Employ any device, scheme, or artifice to defraud, or
- (b) Obtain money or property by means of any untrue statement of a material fact or by any omission to state a material fact necessary in order to make the statements made not misleading or by any pictorial representation which is false, or

- (c) Engage in any transaction, practice or course of business which operates as a fraud or deceit upon a purchaser, or
 - (d) Make, or cause to be made, in any document required by this chapter, any statement or representation as knowingly false or misleading; or
 - (e) Make, or cause to be made, to any purchaser, any oral representation which differs from the statements made in any document required by this chapter.
- (Ord. 1999-26. Passed 3-22-99.)

1341.16 EQUAL OPPORTUNITY.

No person shall be denied the right or opportunity to purchase a condominium unit in the Municipality because of race, color, creed, sex, religious belief, physical disability, or national origin. (Ord. 1999-26. Passed 3-22-99.)

1341.17 LEGAL REMEDIES.

Nothing in this chapter shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this chapter. (Ord. 1999-26. Passed 3-22-99.)

1341.18 SEVERABILITY.

In the event that any provision of this chapter is found by a court of competent jurisdiction to be invalid, unconstitutional or unenforceable, such provision shall be deemed severable from the remainder of this chapter and shall not cause the invalidity or unenforceability of the remainder of this chapter; and if a provision shall be deemed invalid only because of excessive scope or breadth, the provision shall be deemed valid to the extent of the scope and breadth permitted by law. (Ord. 1999-26. Passed 3-22-99.)

1341.99 PENALTY.

(a) Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the second degree for the first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) A violation of any provision of this chapter shall be cause for revocation of any license, certificate or permit issued to such violator or offending party by the City. (Ord. 1999-26. Passed 3-22-99.)

CHAPTER 1345
Permit Fees

1345.01 Fee schedule.

1345.99 Penalty.

1345.01 FEE SCHEDULE.

Note: All Fees Based on Square Footage
Shall Be Based on 100 Square Foot Increments

COMMERCIAL, INDUSTRIAL, PUBLIC, AND APARTMENTS (4 FAMILY +)

NEW CONSTRUCTION:

(Gross Floor Area of Structure or Portion Thereof Encompassing Work Area)

MAJOR SITE IMPROVEMENTS

Site Improvements (Requiring Site Plan Approval) 1% of job cost
(Permit Includes Storm Sewers, Paving, Sidewalks, and Landscaping)

BUILDING (GENERAL TRADES):

New Principal Structure 1% of job cost

PLUMBING, HVAC. SPRINKLERS:

- | | | |
|----|---|----------|
| A. | Base Fee | \$150.00 |
| B. | Plus \$6.00 per 100 Square Feet
or Portion Thereof | |

ELECTRICAL:

- | | | |
|----|---|----------|
| A. | Base Fee | \$150.00 |
| B. | Plus \$6.00 per 100 Square Feet
Or Portion Thereof | |
| C. | Plus the Following Additional Charges If Applicable: | |
| | Temporary Service | \$75.00 |
| | Fire Alarm | \$40.00 |
| | Lighted Sign (requires \$30.00 miscellaneous
building permit also) | \$30.00 |
| | Emergency Generator | \$75.00 |

Security Systems	\$40.00
Underground Feeders (special inspection at fixed hourly rate)	
Sound/Communication System	\$40.00
Site Lighting	\$75.00
CCTV/MATV	\$40.00
Computer/Cash Register Network	\$40.00
Permanent Service thru 2000 Amp.	\$100.00
(over 2000 Amp. - special inspection required at a fixed hourly rate)	

ADDITIONS:

Same as New Construction, and Square Foot Permit Fee Shall Be Based on Gross Square Footage of the Addition per Floor.

**COMMERCIAL, INDUSTRIAL, PUBLIC AND APARTMENTS
ALTERATIONS & REPAIRS:**

Alterations square footage is based on the gross area of the floor, or portion thereof on which the alteration is taking place. The fee for alterations occurring on more than one floor are the additive.

**BUILDING, SPRINKLER, HVAC & PLUMBING
GROSS FLOOR AREA:**

1 - 500	\$75.00
501 - 1,000	\$100.00
1,001- 2,000	\$200.00
2,001- 5,000	\$300.00
5,001- 10,000	\$500.00
10,001 - 20,000	\$800.00
20,001- 40,000	\$1,500.00
Over 40,001	\$2,000.00

ELECTRICAL:

- A. Minimum Fee of \$75.00 for First 500 Sq. Feet for Lighting and Receptacles, Plus \$6.00 Per 100 Sq. Feet or Portion Thereof Over First 500 Sq. Feet for Lighting and Receptacles.
- B. And/or Other Charges Same as New Construction Fees.

COMMERCIAL MISCELLANEOUS:

Tent For Public Function- Base	\$50.00
(Plus State 3% Fee+ \$30.00 Electric Permit)	
Paving - Base Fee	\$30.00
(Plus \$.50 Per 100 Sq. Feet of Paving)	
Window Replacement	\$100.00

Re-roof of Existing Building- Base Fee	\$30.00
(Plus \$.50 Per 100 Sq. Feet of Roofing)	
Change of Occupancy	\$50.00
Demolition:	
a. Principal Structure	\$100.00
b. Accessory Structure	\$ 30.00
c. Plus \$1,000.00 Deposit (To be used to pay the cost of any damages to public and/or private property caused by the demolition.) Refundable upon completion.	
Foundation Only	\$100.00

Other: Fees to be established by the Building Commissioner. Fees for public use buildings may be waived by the Building Commissioner.

RESIDENTIAL PERMIT FEES

NEW CONSTRUCTION

BUILDING FEE:

A. Base Fee	\$150.00
B. Plus \$5.00 per 100 Sq. Foot Or Portion Thereof	

HVAC, ELECTRICAL FEE:

A. Base Fee	\$50.00
B. Plus \$5.00 per 100 Sq. Foot or Portion Thereof	

FIREPLACE / WOODSTOVES	\$35.00
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PLUMBING FEE:

A. Base Fee	\$30.00
B. Full Bath	\$20.00
C. 2 Bath	\$15.00
D. Kitchen	\$15.00
E. Basement Floor Drain	\$10.00
F. House Sanitary Sewer	\$35.00
House Storm Sewer	\$35.00
G. Garage Floor Drain	\$10.00
H. Separate Laundry Unit	\$10.00
I. Hot Water Heater	\$10.00
J. Gas Piping	\$15.00

ADDITIONS:

Square foot permit fee shall be based on gross square footage per floor of addition only.

A. Base Fee	\$50.00
B. Plus \$3.00 per 100 Sq. Foot Or Portion Thereof for Building, Electrical, HVAC Permits.	
C. Plumbing, Same as New Construction	

ALTERATIONS & REPAIRS:

The alteration square footage fee is based on the gross area of the floor on which the alteration is taking place. The fee for alterations occurring on more than one floor are additive.

- A. Base Fee \$30.00
- B. Plus \$2.00 per 100 Sq. Foot
Or Portion Thereof for Building,
Electrical And HVAC Permits
- C. Plumbing, Same as New Construction

1 & 2 FAMILY RESIDENTIAL ITEMS LISTED BELOW NO BASE FEE

- A. Furnace Replacement \$15.00
- B. Central Air Replacement \$15.00
New Central Air \$25.00
- C. Siding \$20.00
- D. Re-roof (Maximum 2 Layers) \$10.00
- E. Foundation Waterproofing
(Interior/ Exterior) \$40.00
- F. Wood Stove, Fireplace and
Chimney \$35.00
- G. Replacement Windows \$20.00
- H. Foundation Only \$50.00
- I. Natural Gas Grill
Or Fireplace Logs \$20.00
- J. Plumbing Fixture Replacement \$15.00
- K. Hot Water Heater \$10.00
- L. Gas Piping \$15.00
- M. Electrical Upgrade \$30.00

Combination Permit Fee \$25.00

Notwithstanding any other provision of this code, a homeowner who occupies the premises, wherein the work is to be performed by the homeowner, may obtain a combination permit fee to cover all or any alterations, remodeling, plumbing, electrical, or heating work, provided that the value of such work shall not exceed five thousand dollars (\$5,000) in total.

MISCELLANEOUS FEESACCESSORY BUILDING OR STRUCTURES:

- A. Garage Pad \$20.00
- B. Garages - (Residential) \$20.00
- C. Storage Sheds (Residential--includes Pad) \$20.00
- D. Satellite Dish \$45.00
- E. Deck, Gazebo, Open Porch \$20.00
- F. Tents For Public Function - Base \$45.00
Plus \$30.00 Electrical
- G. Fence \$25.00
- H. Tree Permit---new Residential Home \$50.00
- I. Retaining Wall \$30.00

- | | | |
|----|--|---------|
| J. | Aprons and Driveways: | |
| a. | Apron (concrete only) | \$20.00 |
| b. | Drive (concrete or asphalt) | \$30.00 |
| c. | Widening | \$20.00 |
| d. | Curb Cuts and Sidewalks | \$15.00 |
| e. | Concrete Patios, and
miscellaneous pad | \$15.00 |
| K. | Swimming Pools: | |
| a. | Permanent Type | \$75.00 |
| b. | Portable Type | \$50.00 |
| c. | Plus \$30.00 Electric permit | |
| d. | Plus \$30.00 Plumbing permit for in-ground pools | |

DEMOLITION:

- | | | |
|----|---|---------|
| A. | Principal Structure | \$50.00 |
| B. | Accessory Structure | \$20.00 |
| C. | Plus \$100.00 Deposit (To be used
to pay the cost of any damages to public
and/or private property caused by the
demolition) Refundable. | |

OTHER: Fees to be established by the Building Commissioner.

STRUCTURE MOVING FEE:

- | | | |
|----|--|------------|
| A. | Base fee | \$500.00 |
| B. | Cash Deposit | \$5,000.00 |
| C. | Certificate of Insurance - (\$100,000/\$300,000
Liability; \$50,000 Property Damage).
Cash deposit shall be used to pay the cost of any
damage to public/private property by reason of
the moving. | |

SPECIAL FEES:

- | | |
|--|----------|
| Planning Commission - regular meeting | \$75.00 |
| Planning Commission - special meeting | \$150.00 |
| Board of Zoning Appeals - regular meeting | \$50.00 |
| Board of Zoning Appeals - special meeting | \$75.00 |
| Conditional Use Permit | \$100.00 |
| Application for Zoning Change or Amendment | \$75.00 |
| Application for Property Split | \$50.00 |

DEPOSITS - (Refundable less retainer and inspection fees)

Street Opening - \$500.00 minimum, plus \$25 per square foot of opening in excess of 25 square feet.

Obstruction (residential) - \$100.00

Obstruction (commercial) - \$500.00 Minimum, plus \$ 100.00 per day in excess of 2 days.
Flagman and/or barricades must be provided. Any costs incurred by the City of Brooklyn for pavement replacement, traffic direction, or barricades will deducted from deposit.

(Street opening and obstruction permits require prior Service Director approval.)

CONSTRUCTION DEPOSITS

Prior to the issuance of any construction permit, a deposit is required. For residential additions or alterations in excess of one thousand dollars (\$1,000) in cost, the deposit shall be one hundred dollars (\$100.00). For new residential construction the amount shall be five hundred dollars (\$500.00), deposited with the Commissioner of Building. On multi-family or commercial developments, including industrial, a construction deposit of two percent (2%) of the cost of the project but not less than a minimum deposit of one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000) shall be deposited with the Commissioner. Such money shall be deposited as a guarantee that the applicant will repair or replace any damage or destruction to the sidewalk, curb, street, or the tree lawn, the construction and maintenance of the temporary drive, and the proper site grading, the cleaning of the premises and tree lawn of all dirt, debris, refuse, rubbish and material and the cleaning of the public streets, catch basin and/or sewers of the accumulation of mud, filth or debris which may have been deposited thereon, as a result of the delivery of materials, supplies and other things to such premises, and compliance in all respects to the applicable building codes of the City.

USE OF DEPOSITS

An order to correct any condition or remove any substance shall be complied with within three (3) days thereafter. Upon failure to obey such order within the period required by law, the Commissioner of Building shall cause same to be done at the expense of the permit holder and the bond fund shall be subjected to the payment of the expense thereof. If such deposits are insufficient to fully pay for such expense, then the permit holder shall be liable for the additional amount in excess of the bond fund, which coverage shall be collected by the Director of Law in a court of competent jurisdiction. The deposit shall also be subjected to the payment of all unpaid inspection and reinspection charges as established herein. If the provisions of this Building Code and the orders of the Commissioner of Building pertaining thereto are complied with, the deposit shall be refunded.

REINSPECTION CHARGE

When an inspection is required and is made, and the work is found to be incomplete, faulty or not in conformity with the Building Code, or at variance with the plans and specifications, a red tag (notification of rejection) will be issued. On completion of work a charge of twenty-five dollars (\$25.00) for residential or thirty-five dollars (\$35.00) for commercial/industrial work shall be assessed against the construction deposit for each red tag issued during construction, when a reinspection was found necessary.

WORK STARTED WITHOUT PERMIT

Commencing work without permit and/or plan approval: Double the cost of required permit(s).
(Ord. 2001-32. Passed 6-25-01.)

1345.99 PENALTY.

Any person, firm or corporation who performs work or installs any appliance, device or equipment without securing a permit therefor and/or fails to pay a fee as required under provisions of this chapter, shall be guilty of a minor misdemeanor and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine, or by imprisonment as established by law. (Ord. 2001-32. Passed 6-25-01.)

CHAPTER 1349
Flood Damage Prevention

1349.01	Definitions.	1349.06	Interpretation.
1349.02	Lands to which this chapter applies.	1349.07	Warning and disclaimer of liability.
1349.03	Basis for establishing the areas of special flood hazard.	1349.08	Establishment of development permit.
1349.04	Compliance.	1349.09	General standards.
1349.05	Abrogation and greater restrictions.	1349.10	Violations and penalties.

CROSS REFERENCES

Levees - see Ohio R.C. 717.01

Marking flood areas - see Ohio R.C. 1525.01 et seq.

1349.01 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for a review of the Building Commissioner's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- (d) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (e) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- (f) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (g) "Flood or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.

- (h) "Flood Hazard Boundary Map (FHBM)" means the same as "Flood Insurance Rate Map." See below.
- (i) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (j) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
- (k) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- (l) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) or land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.
- (m) "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.
- (n) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (o) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (p) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (q) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1986-46. Passed 12-22-86.)

1349.02 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Brooklyn.

(Ord. 1986-46. Passed 12-22-86.)

1349.03 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (or Flood Hazard Boundary Map), #390100C, dated December 4, 1981, and any revision thereto are adopted by reference and declared to be part of this chapter.

(Ord. 1986-46. Passed 12-22-86.)

1349.04 COMPLIANCE.

Unless specifically exempted from filing for a development permit as stated in Section 1349.08(a), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(Ord. 1986-46. Passed 12-22-86.)

1349.05 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 1986-46. Passed 12-22-86.)

1349.06 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and,
 - (c) Deemed neither to limit nor repeal any other powers granted under State statutes.
- Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(Ord. 1986-46. Passed 12-22-86.)

1349.07 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of The City of Brooklyn, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from the reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 1986-46. Passed 12-22-86.)

1349.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1349.03. Application for a development permit shall be made on forms furnished by the Building Commissioner and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If base flood elevation data are available, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
 - (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed; and,
 - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1349.09(g)(1).
- (a) Exemption From Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000).
 - (b) Designation of the Flood Damage Prevention Administrator. The Building Commissioner is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
 - (c) Duties And Responsibilities of the Building Commissioner shall include but are not limited to:
 - (d) Permit Review.
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - (2) Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.
 - (3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1349.09(k)(1) is met.
 - (e) Use of Other Base Flood Elevation And Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency are designated as Zone A on the community's Flood Insurance Rate Map (or Flood Hazard Boundary Map). Within these areas, the Building Commissioner shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from the Federal, State, or other source in order to administer Section 1349.09(f), (g) and (k).

- (f) Information to Be Obtained And Maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not such structures contain a basement.
 - (2) For all new or substantially-improved floodproofed structures:
 - A. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - B. Maintain the floodproofing certifications required.
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (g) Alteration of Watercourses.
- (1) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (2) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (h) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (i) hereof.
- (i) Variance Procedure.
- (1) The Board of Building and Zoning Appeals as established by the City of Brooklyn, shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The Board of Building and Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Commissioner in the enforcement or administration of this chapter.
 - (3) Those aggrieved by the decision of the Board of Building and Zoning Appeals, or any taxpayer, may appeal such decision to the Cuyahoga Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
 - (4) In passing upon such applications, the Board of Building and Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;

- E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - F. The necessity to the facility of a waterfront location, where applicable;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of subsection (i)(4) hereof and the purposes of this chapter, the Board of Building and Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (6) The Building Commissioner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (j) Conditions For Variances.
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items A. through K. in subsection (i)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (i)(4) or conflict with existing local laws or ordinances.

- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 1986-46. Passed 12-22-86.)

1349.09 GENERAL STANDARDS.

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
- (b) Construction Materials And Methods.
 - (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - (3) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Subdivision Proposals.
 - (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and;
 - (4) Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

- (e) Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 1349.08(e), the following provisions are required.
- (f) Residential Construction. New construction and substantial improvement of any residential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation.
- (g) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1349.08.
- (h) Accessory Structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (k)(1) and the following additional standards:
 - (1) They shall not be used for human habitation;
 - (2) They shall be designed to have low flood damage potential;
 - (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - (4) They shall be firmly anchored to prevent flotation; and,
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (i) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code.
 - (1) Manufactured homes shall be anchored in accordance with subsection (a)(2).
 - (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
- (j) Enclosures Below Base Flood Elevation. This provision applies to all new and substantially-improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below base flood elevation provided that the enclosed areas are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Specific design criteria are found in the National Flood Insurance Program Rules and Regulations.

- (k) Floodways. A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other available sources of flood information as specified in Section 1349.08(e). The following provisions apply within all delineated floodway areas:
- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If subsection (k)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- (Ord. 1986-46. Passed 12-22-86.)

1349.10 VIOLATIONS AND PENALTIES.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions of and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Brooklyn. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Brooklyn from taking such other lawful action as is necessary to prevent or remedy any violations.

(Ord. 1986-46. Passed 12-22-86.)

CHAPTER 1353
Grading

1353.01 Changing yard grade.

1353.99 Penalty.

1353.01 CHANGING YARD GRADE.

No owner or contractor, or any agent, employee, representative or servant of said owner or contractor, shall create, maintain or change the yard grade higher than the established finished yard grade; or construct, maintain or alter the front sidewalk or driveway higher than the established grade of premises within the City of Brooklyn. In addition to the penalties provided in Section 1353.99, or other corrective remedies available, the City or the owners of any lots abutting or adjoining the lot or premises of the person violating this section may invoke the equitable processes of a court of equity to aid in the enforcement of the provisions of this chapter.
(Ord. 1973-40. Passed 10-8-73.)

1353.99 PENALTY.

Any person convicted of violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) nor imprisoned more than thirty days, or both; and each day in which this violation continues shall be deemed a separate and distinct offense.
(Ord. 1973-40. Passed 10-8-73.)

CHAPTER 1357
Nuisances

1357.01	Public nuisance defined.	1357.04	Abatement by Building
1357.02	Summary abatement.		Inspector.
1357.03	Abatement in other cases,	1357.99	Penalty.
	notice, etc.		

1357.01 PUBLIC NUISANCE DEFINED.

As used in this chapter, a public nuisance shall be deemed to be any fence, wall, shed, house, building, structure, or any part of any of the aforesaid; or any tree, pole, smoke stack; or any excavation, basement, cellar, sidewalk, subspace, dock, wharf, or landing dock, which in its entirety, or in any part thereof, by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the City of Brooklyn, in any one or more of the following particulars:

- (a) By reason of being a nuisance to the general health of the community;
- (b) By reason of being a fire hazard;
- (c) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid premises;
- (d) By reason of being a nuisance because of long continued vacancy, lack of reasonable or adequate maintenance of structure and/or premises adjacent thereto, thereby depreciating the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated. (Ord. 1968-71. Passed 11-25-68.)

1357.02 SUMMARY ABATEMENT.

(a) Whenever complaint is made to the Building Inspector of the existence of a public nuisance as defined in Section 1357.01 hereof, in the City of Brooklyn, he shall promptly cause to be inspected, the premises on which it is alleged such public nuisance exists. Should the aforesaid Building Inspector find that a public nuisance may exist and that the public health, safety or welfare may be in immediate danger, he shall promptly notify the Director of Public Safety and the Chief of the Division of Fire. The Director of Public Safety, if he has not already done so, and the Chief of the Division of Fire, if he has not already done so, shall cause to be inspected the premises on which it is alleged such public nuisance exists. Written reports of the said inspections and of the findings of the Director of Public Safety and the Chief of the Division of Fire, with respect to the existence of a public nuisance, as defined in Section 1357.01, and any

immediate danger to the public health, safety and welfare, shall be filed with the Building Inspector. Should any one or more of the aforesaid officers find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, it shall be the duty of the Building Inspector to cause photographs of such nuisance to be made and to file and keep in his office the written reports of the findings of the aforesaid officials. The Building Inspector shall then determine the person, persons, firm or corporation who, from the records in the County Auditor's Office of Cuyahoga County, Ohio, appears to be the titled owner or owners of the aforesaid property and immediately cause a written notice to be served on said person, persons, firm or corporation, either personally or by leaving a copy at the usual place of residence or business of the said owner, or address of such owner shown in said County Auditor's records, or by copy mailed to such owner at such place or address by United States Certified Mail Return Receipt. If service of the said written notice is unable to be perfected by any of the hereinbefore described methods, then the said Building Inspector shall cause a copy of the aforesaid notice to be left with the person, if any, in possession of the said premises, on which it is alleged such public nuisance exists, or if there be no person in possession thereof, he shall cause a copy of the notice to be posted on the said premises. The aforesaid notice shall state, in brief, the findings with respect to existence of a public nuisance by any one or more of the aforesaid officers, and shall further state that unless the owner or owners thereof shall cause the abatement of the said public nuisance within twenty-four hours after service of the notice, the same will be abated by the City of Brooklyn, at the expense of the said owner or owners.

(b) Any act, inspection, or findings required to be carried out by any such public official under Sections 1357.02 and 1357.03 inclusive, may be carried out by any of his subordinates, assigned or directed by him to carry out such function.
(Ord. 1968-71. Passed 11-25-68.)

1357.03 ABATEMENT IN OTHER CASES, NOTICE, ETC.

(a) Should any one or more of the aforesaid officers of the City of Brooklyn, after the inspections of the premises of which it is reported a public nuisance may exist, be of the opinion that a public nuisance does exist, but that the nature thereof is not such as to require the summary abatement of said nuisance, photographs and reports of their findings, the same as provided in Section 1357.02 hereof, shall be made and filed with the Building Inspector. It shall further be the duty of the aforesaid Building Inspector in such cases, to serve written notice on the person, persons, firm or corporation, who, from the records in the County Auditor's Office, appears to be the owner or owners of the aforesaid property, by serving them personally or by leaving a copy at the usual place of residence or business of the said owner or owners or address of such owner or owners shown in said Auditor's records, or by copy mailed to such owner at such place or address by United States Certified Mail Return Receipt. If service of the said written notice is unable to be perfected by any of the hereinbefore described methods, then the Building Inspector shall cause such notice to be published in a newspaper of general circulation in the City of Brooklyn, once each week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the said premises on which it alleged such public nuisance exists, or if there be no person in possession thereof, he shall cause a copy of the notice to be posted on the said premises.

(b) The aforesaid notice shall state, in brief, the findings of any one or more of the aforesaid officers of the City of Brooklyn, with respect to the existence of a public nuisance, as defined in Section 1357.01, and shall further state that unless the owner or owners thereof shall cause the abatement of the public nuisance within thirty (30) days after the service of the said notice, the same will be abated by the City of Brooklyn, at the expense of said owner or owners. The said owner or owners may at any time after receipt of the said notice make a request in writing or in person, to the Building Inspector to be furnished with a written list of the items which are alleged to constitute the public nuisance and which are alleged to be in need of repair and/or replacement.

(c) The owner or owners may make immediate application in writing or in person to the Building Inspector for a building permit to undertake the repair or replacement of items alleged to constitute the public nuisance. The Building Inspector, upon being furnished by the said owner or owners with the complete plans and specifications covering the repairs or replacements in conformity with the standards of the ordinances of the City, shall upon approval of the plans and specifications cause a building permit to be issued to the owner or owners. The Building Inspector may grant more than thirty days to the owner or owners in which to effect the repairs and/or replacements.

(d) The owner or owners may, within fourteen days after receipt of the notice, make a demand in writing to the Building Inspector for a hearing on the question of whether in fact a public nuisance, as defined by Section 1357.01, exists and/or whether more than thirty days should be granted to the owner or owners to abate the nuisance. The hearing shall be held within ten days following receipt of the written demand and at least two days notice of the hearing shall be given to the owner or owners. The hearing shall be conducted by a hearing board composed of the Law Director, the Director of Public Safety and the Director of Public Service, or in the event any of the officers are unable to attend, by someone from their respective departments delegated by them to act in their behalf. The hearing board may amend or modify the notice and/order, or extend the time for compliance by the owner with parts of the abatement by such date or dates as such majority may determine. A copy of the decision of the hearing officers shall be promptly served upon the owner or owners in the manner provided for by Section 1357.02. The decision of said hearing board shall be final and conclusive, unless the owner or owners shall file, within five (5) days after the aforesaid decision is rendered, an action in or appeal to a court of competent jurisdiction, otherwise the same shall become final and conclusive at the termination of such action or appeal proceeding as determined by such court.

(Ord. 1968-71. Passed 11-25-68.)

1357.04 ABATEMENT BY BUILDING INSPECTOR.

Should thereafter said nuisance not be abated at the expiration of time stated in said notice or such additional time as the Building Inspector or the hearing officers provided for in Section 1357.03 may grant them, the Building Inspector shall have the right to enter upon said premises and to abate the nuisance found thereon. In abating such nuisance he may go to whatever extent may be necessary to complete the abatement of same and should it be practicable to sell or salvage any material derived in the aforesaid abatement, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City of Brooklyn and any difference between the amount so received and the cost of the abatement shall be levied as an assessment against the

aforesaid property, by the Council of the City of Brooklyn, certified to the Auditor of Cuyahoga County, Ohio, and collected as any other assessment by the City of Brooklyn. Should the proceeds of the sale of such salvaged material exceed the cost of such abatement, the overplus, if any, shall be paid to the owner of the premises from which such nuisance was abated when his proper claim therefor is established. In abating such nuisance the Building Inspector of the City of Brooklyn, for whatever assistance may be necessary, may call upon other departments of the City of Brooklyn; or may by private contract obtain the abatement thereof, if such private contract may be let without any expense whatever to the City of Brooklyn.

(Ord. 1968-71. Passed 11-25-68.)

1357.99 PENALTY.

(a) Any person who, being able so to do, shall refuse or neglect to obey a proper order issued by the Building Inspector hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than five (5) days. Each and every day after the time specified in the notice, provided in Section 1357.03 hereof, shall be deemed a separate and distinct offense hereunder.

(b) No proceeding under this article may be maintained unless one or more of the following named officers shall find that a public nuisance in fact exists: Director of Public Safety, Chief of the Division of Fire and/or the Building Inspector. In the event of a summary abatement, no such nuisance may be summarily abated until and unless one or more of the aforesaid officers shall find that the summary abatement of such nuisance is necessary.

(c) This chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the City of Brooklyn, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State of Ohio or any ordinance heretofore enacted by Council.

(Ord. 1968-71. Passed 11-25-68.)

CHAPTER 1361 Occupancy Permits

1361.01	Required for retail, commercial or industrial building.	1361.03	Temporary permits.
		1361.04	Requests for inspection.
1361.02	Final inspections.	1361.05	Occupancy permit fee.
		1361.99	Penalty.

1361.01 REQUIRED FOR RETAIL, COMMERCIAL OR INDUSTRIAL BUILDING.

A permit shall be obtained from the Building Official by any person desiring to occupy, sell or let for occupancy a retail, commercial or industrial building nor shall anyone allow a building which they own or control or for which they are acting as agent of the owner to be occupied without obtaining a permit for the occupancy.
(Ord. 1990-78. Passed 2-11-91.)

1361.02 FINAL INSPECTIONS.

(a) The permit shall be issued for the occupancy of the building by the Building Official, or at his direction. No permit shall issue unless inspection shall show that the building was constructed in full compliance with the building requirements of the Municipality and, the Ohio Basic Building Code, further, that the completed structure together with its intended use and its location upon the lot or land upon which it stands and the intended use of the lot or land itself conforms in all respects to the building and Zoning ordinances of this Municipality.

(b) An occupancy permit shall be withheld until the violations are abated and the building reconstructed or altered to conform to the requirements of the ordinances of the Municipality and the OBBC.
(Ord. 1990-78. Passed 2-11-91.)

1361.03 TEMPORARY PERMITS.

In case of hardship a temporary permit for occupancy may be issued by the Building Official if arrangements for compliance with the ordinances of the Municipality have been made to his satisfaction, but a permanent occupancy permit shall not be issued until such time as a satisfactory final inspection has been made.
(Ord. 1990-78. Passed 2-11-91.)

1361.04 REQUESTS FOR INSPECTION.

The person who owns or controls the building or whose name the building permit was issued shall be responsible for requesting inspection and for obtaining an occupancy permit before the building can be occupied.

(Ord. 1990-78. Passed 2-11-91.)

1361.05 OCCUPANCY PERMIT FEE.

Before issuing any occupancy permit for any retail or commercial or industrial building, the amount of twenty-five dollars (\$25.00) shall be paid as a fee for such permit. The fee for temporary permits shall be twenty-five dollars (\$25.00). Fees shall be collected at the Building Department.

(Ord. 1990-78. Passed 2-11-91.)

1361.99 PENALTY.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor of the first degree. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(Ord. 1990-78. Passed 2-11-91.)

CHAPTER 1365
Satellite Dishes

1365.01	Permit required.	1365.03	Location of satellite dishes.
1365.02	Application for permit; plans.	1365.99	Penalty.

1365.01 PERMIT REQUIRED.

No person, firm or corporation shall erect a satellite dish in the City of Brooklyn without first securing a permit.
(Ord. 1983-20. Passed 5-23-83.)

1365.02 APPLICATION FOR PERMIT; PLANS.

The owner, part owner or occupant of any lot, premises or parcel of land within the Municipality who desires to construct or erect a satellite dish at any location within the City may apply to the Building Commissioner of the City for the permit referred to in Section 1365.01. The Building Commissioner shall issue such permit provided the applicant:

- (a) Submits a written application upon forms furnished by the Building Commissioner or approved by him, with a plot plan of the lot, premises or parcel attached showing the exact location of the proposed satellite dish; a description of the kind of satellite dish, and the plans and specifications showing the elevations, where it is to be erected, and of the dish itself, and sufficient details to show the method of assembly and construction. Each set of plans and specifications shall give the address of the work, name and address of the owner, and of the person who prepared the plans and specifications. Each application shall indicate the owner of the premises, the occupant of the premises and the contractor or other person to be permitted to construct or erect the proposed satellite dish, who shall be a licensed contractor, pursuant to the regulations of the City of Brooklyn.
- (b) Meets all of the requirements of this chapter.

- (c) Each application shall be accompanied by a check in the amount of one hundred dollars (\$100.00) which represents a permit fee of fifty dollars (\$50.00) and a deposit of fifty dollars (\$50.00). The permit fee shall cover the cost of review of the plans by the Architect of the City, and the handling of the application and inspection of the construction by the Building Commissioner. The fifty dollar (\$50.00) deposit shall be returnable in the event the Building Commissioner, upon one inspection, finds that the erection or construction is acceptable. If additional inspections are required, the fee shall not be returnable and shall be used to cover the cost of such further inspections.
(Ord. 1983-20. Passed 5-23-83.)

1365.03 LOCATION OF SATELLITE DISHES.

No satellite dish shall be constructed in any front or side yard and may only be constructed in rear yards where not visible from the street or from a neighbor=s lot upon appropriate evergreen landscaping shown on the plan and planted before approval of the Building Commissioner.
(Ord. 1983-20. Passed 5-23-83.)

1365.99 PENALTY.

The owner of any lot or parcel where anything in violation of this chapter is placed or exists and any architect, builder or contractor who assists in the commission of any violation, and any person who violates any of the provisions of this chapter or fails to comply therewith, shall, for each violation or noncompliance, upon conviction be guilty of a misdemeanor, and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1983-20. Passed 5-23-83.)

CHAPTER 1369
Smoke; Carbon Monoxide Detectors

1369.01 Smoke detectors required in all new residential and multi-family units.

1369.02 Carbon monoxide detectors required in all new residential and multi-family units.

1369.01 SMOKE DETECTORS REQUIRED IN ALL NEW RESIDENTIAL AND MULTI-FAMILY UNITS.

(a) Requirement. Smoke detectors shall be installed in all new single-family dwellings and each unit of new multi-family buildings as hereinafter provided. Said smoke detectors shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed in the manner hereinafter provided.

(b) Location.

- (1) At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.
- (2) At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the sleeping area.

(c) Alternative. As an alternative to self-contained smoke detectors, an approved fire detection system may be installed. Each fire detection system must be individually approved and a permit issued therefor by the Chief of the Division of Fire and the Building Inspector.

(d) Equipment. All devices, combination of devices and equipment required herein are to be installed in conformance with the Building Code and this section, and approved by the Chief of the Division of Fire and listed by said Department for the purpose for which they are intended. Said list may be subsequently amended by the Chief of the Division of Fire as necessary. Such approval shall be permanent unless the Fire Chief subsequently finds that the equipment is hazardous or unreliable, in which case, the Fire Chief may suspend or revoke approval. The Fire Chief may in any such case determine whether replacement of existing installation shall be required. Transfer to the inactive list shall not affect equipment approval.

(e) Installation. In new residential dwellings, smoke detectors shall be wired directly (hard-wired) to the building's power supply with a self-monitoring battery back-up system. In multi-family buildings of three units or more, the detectors shall meet the multi-family building power source requirements of City or State law, or in the absence of such law, the requirements hereunder covering other existing dwellings.

(f) Certification at Change in Occupancy. After June 1, 1979, at every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease or sublease of said unit, it shall be the duty of the grantor thereof (i. e., the seller, lessor, or sublessor, as the case may be) to certify, before occupancy, to the new occupant that all smoke detectors as required by this section (or other applicable laws) are installed and in proper working condition. Failure to comply with this section shall be punishable as set forth herein; provided, however, that this section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

(g) Permits And Fees. No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit shall have first been obtained from the Building Department.

(h) Supplemental Standards. This section is intended to be used with and supplemented by the applicable provisions of the Fire Prevention Code of 1976; however, if there shall be any conflict between this section and the said Fire Prevention Code of 1976, this ordinance and any rules and regulations adopted pursuant thereto shall prevail.

(i) Enforcement. The Building Inspector shall have concurrent jurisdiction with the Chief of Fire to inspect the installation of any smoke detectors required to be installed by this chapter.

(j) Penalty. Unless otherwise provided in this chapter, whoever violates this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned for a term of not more than 10 days or both for a first offense. For a second or subsequent offense, a violator shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) and be imprisoned for a term of thirty days or both, every day thereafter constituting a separate offense. Any contractor who is found in violation of this section may be subject to the revocation of the certified registration within the City of Brooklyn for not more than one year.

(Ord. 1978-25. Passed 11-13-78.)

**1369.02 CARBON MONOXIDE DETECTORS REQUIRED IN
ALL NEW RESIDENTIAL AND MULTI-FAMILY UNITS.**

(a) Requirement. Carbon Monoxide detectors shall be installed in all new single-family dwellings and each unit of new multi-family buildings and in every new building that is heated by one main central fossil fuel powered heating unit as hereinafter provided. Said carbon monoxide detectors shall be capable of detecting the presence of 60 PPM of carbon monoxide in ambient air and providing a suitable audible alarm; further they shall be installed in the manner provided in the manufacturers specifications and shall comply with applicable federal and state regulations, and shall bear the label of a nationally recognized standard testing laboratory, and shall meet the standard of UL 2034 or its equivalent. The Building Commissioner shall issue rules and regulations not inconsistent with the provisions of this section for the implementation and administration of the provisions of this section relating to carbon monoxide detectors.

(b) Installation. The carbon monoxide detectors shall be installed in the manner and in the location as specified by the manufacturer.

(c) Certification at Change in Occupancy. After July 1, 1996 at every change of occupancy occasioned by or incidental to a sale, lease or sublease of said unit, it shall be the duty of the grantor thereof (i.e. the seller, lessor, or sublessor as the case may be) to certify before occupancy, to the new occupant that all Carbon Monoxide detectors as required by this section are installed and in proper working condition. Failure to comply with this section shall be punishable as set forth herein; provided however, that this section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

(d) Permits and Fees. No carbon monoxide detectors or alternative system shall be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit shall have first been obtained from the Building Department.

(e) The Building Inspector shall have concurrent jurisdiction with the Chief of Fire to inspect the installation of any carbon monoxide detector required to be installed by this chapter.

(f) Penalty. Whoever violates any provision of this chapter shall be guilty of a first degree misdemeanor.
(Ord. 1996-2. Passed 1-8-96.)